

Light vs. Sterling & Reid



William R. Light attended a Sterling & Reid Brothers Circus at Mission Valley in San Diego on October 12, 2001. The circus had a big-top tent with inside lighting provided by a diesel powered generator. There was portable bleacher style seating inside the big top.

Mr. Light arrived a few minutes late with his wife and children. The bleachers were full and he sat on the floor with his wife and children. Several minutes later the power went off unexpectedly when the generator failed. The big top became pitch black inside. The horses performing at the time became spooked and ran toward an exit. Their hoofs made a hollow sound on the wood flooring that was described as gunshots or firecrackers going off. The patrons inside panicked and rushed toward the exits. Mr. Light was pushed down in the ensuing melee and trampled, suffering extensive bruises to his legs and back where he had been trampled. He claimed he suffered traumatic injuries to both knees, both shoulders and his lower back. Following the circus incident he had two

surgeries to each knee, one surgery to each shoulder and one surgery to his lower back. He incurred approximately \$205,000.00 in medical and hospital expenses for his post-incident treatment. Mr. Light's treating physicians both testified all treatment and surgeries were reasonable and necessary because of the incident at the circus.

Mr. Light claimed the big-top tent was overcrowded in violation of the fire code. The big-top was permitted to hold only 1650 patrons and the circus admitted that more than 1800 people attended the circus on the night of the incident. Allowing the circus to become filled to overcapacity was negligence as a matter of law. And if the big-top had not been overcrowded William Light claimed he would not have been pushed down and trampled. Mr. Light also claimed that under the res ipsa doctrine the circus had the burden to prove the generator failed for reasons other than the negligence of Sterling & Reid Brothers Circus. He claimed that when the big-top became pitch black there was insufficient emergency lighting and illuminated emergency exit signs to allow the patrons to make a safe exit from the big-top.

Sterling & Reid Brothers Circus contended it had bought a new, bigger big-top tent during the eight weeks after it had applied for the permit with the smaller tent, and that it was the bigger tent with a capacity of 2300 that was in use on the night of the incident. There had been no prior failures of the generator before this night and the sudden stoppage could not have been reasonably anticipated. The generator was restarted after several minutes and the performance resumed after a period of time and was completed. There were no later problems with the generator.

Sterling & Reid Brothers Circus contended that William Light did not suffer any injury or any aggravation of prior injuries on the night of the incident. Mr. Light had been complaining of pain and problems in his knees, shoulders and back during the months before the incident. Mr. Light was not a reliable historian. He had deceived several doctors to obtain duplicate prescriptions of oxycontin, a controlled narcotic pain medication, both before and after the circus incident. Mr. Light was willing to exaggerate if not fabricate his injuries to justify the claimed need for continued prescriptions of oxycontin. Although Mr. Light's treating physicians supported through their trial testimony that he had been seriously injured at the circus and that all of the following surgeries and treatment were necessary because of the incident at the circus, the testimony of the treating physicians was itself suspect to the extent it relied upon the history given by William Light.

The jury returned a 12-0 special verdict in favor of Sterling & Reid Brothers Circus after two hours of deliberation. The jury found that the circus had not been negligent. It therefore did not need to decide whether any negligence of the circus had caused any harm to Mr. Light.

The court gave the negligence per se instruction requested by William Light on the alleged overcrowding of the big-top tent. The jury was instructed to find the circus negligent if the jury had found the big-top over capacity as testified to by the plaintiff and his family and friends. The court refused to instruct the jury on the comparative fault of Mr. Light, finding there was insufficient evidence of fault on the part of the plaintiff. The court allowed into evidence the September 2003 plea of Mr. Light to a misdemeanor of obtaining narcotic pain medications by concealment of a material fact in violation of Health & Safety Code, Section 11173(a). The court also allowed into evidence the testimony of a claims representative from Mr. Light's prior workers' compensation proceeding that he had a poor reputation as a reliable historian.